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INDIAN RIGHTS ASSOCIATION,
1305 ARCH STREET,
PHILADELPHIA, PA., August, 1898.

A Review of the Spotted Hawk Case.

The public have heretofore been apprised of the trial and conviction, in Judge C. H. Loud's Court, of the Seventh Judicial District of Montana, of Spotted Hawk and Little Whirlwind, members of the Northern Cheyenne Indian tribe.

In a brief review of the earlier history of this case it will be well to recall that large herds of cattle and sheep graze over the country adjoining the Northern Cheyenne Indian reservation, and that a bitter feeling exists between the Stockmen and the Indians, it being charged that the Indians have pillaged from the herds adjacent to their reserve.

About April 28, 1897, a white sheep-herder, named Hoover, was murdered while tending his flock near Tongue River, bordering on the reservation of the Cheyennes, an Indian named Whirlwind, alias David Stanley, admitted having committed the murder and prepared to meet his death according to the customs of the tribe, but was prevented from doing so by the prompt interference of the Acting Indian Agent, Capt. Geo. W. H. Stouch, U. S. A., who desired no further bloodshed through this peculiar form of justice.

The authorities of Custer County, Montana, exerted themselves to implicate others, with the result that the self-confessed murderer, Stanley, under promise of reward, charged that two brothers, Spotted Hawk and Little Whirlwind, participated in the murder, and the arrest of the latter followed about July 20, 1897; the further proceedings in the case all tend to show an undue desire to secure other convictions; Mr. Hamlin Garland, who was present at a gathering at the Cheyenne

Agency, with the attorneys, sheriffs, and interpreters on behalf of the State, tersely states, in referring to the proceedings, "Attorney Porter seemed to me malevolently eager to implicate other Cheyennes in the crime."

The trial of Spotted Hawk and Little Whirlwind took place during the October, 1897, term of the District Court held at Miles City, Custer County, Montana; no direct evidence was submitted to substantiate the statement made by Stanley that the other two were also guilty.

The boy, Shoulder Blade, fifteen years of age, testified that Spotted Hawk and his brother, Little Whirlwind, were with Stanley when they first noticed the white sheep-herder, but that he became frightened and ran home before the shooting.

The record of the case shows that the defense in the trial of Spotted Hawk endeavored to secure from Stanley the facts regarding any promise of reward, by mitigation of sentence, if he should implicate others with himself, and that the Court sustained the Prosecuting Attorney's objection to such examination of the witness in the following language:

"Now ordinarily, I would not have permitted any examination of a witness along this line, for the simple reason that an attorney of record could not have promised this man any immunity at any time, but owing to this being an Indian, the Court relaxes the rule, but I think you have gone far enough so far as that particular question is concerned."

It is the usual and accepted practice to allow the utmost freedom in the cross-examination of accomplices in crime to show any promise of reward to secure testimony.

It should be borne in mind that this murder was committed one hundred miles from where the Court was sitting, the attorney set apart for the defense by the State, asked for time, and funds to meet necessary expenses in securing evidence from the reservation; this was refused; but on the other hand the County Attorney, together with Sheriffs and interpreters, spent many days on the reservation and adjoining territory in search of evidence on behalf of the State.

The result of this trial was that Spotted Hawk was sentenced to be hung, and Little Whirlwind received a life term in the penitentiary.

A motion for a new trial was argued before the trial Judge, Hon. C. H. Loud, the defense submitting seventy-six specifications of errors, together with twelve affidavits furnishing new and important evidence, among which appears that of Shoulder Blade, upon whose evidence a conviction of the two brothers was had. The following is a copy of Shoulder's Blade's affidavit:

"State of Montana, County of Custer, ss. Shoulder Blade, being first duly sworn, deposes and says: I can tell in English what I know about the killing of the sheep-herder, Hoover. Stanley came that evening and told me that he was tired, and I asked him where he came from, and he says I came from up Logging Creek. There is a man there. He was carrying a gun, Stanley. And then in the morning he told me that I should go and ask the sheep-herder to give us something to eat. We saddled up our horses and went along there, and went across Stebbin's Creek, and we went to the hills, and when we saw the tent he told me, lets kill sheep-herder, you just go up and talk to sheep-herder and I come up behind and shoot him, and I didn't answer him, and then after while he told me again, and I told him no, and he said why, and I told him, and he told me, they won't find you, you are a little boy; and I didn't say nothing. And then the tent wasn't far away, and he told me to go and look in, and if sheep-herder is there come back, and I went across to see and there was nobody there and I come back and told him there is nothing but tent, and we went and followed sheep tracks and didn't find any sheep nor herder and we came back again to tent and he told me to go and look in once and if there is something we steal in there, and then I went and looked in tent and went back and told him there is nothing there but tent. It is alone I told him, and he came up to the tent and jumped off and give me horse and went inside and he tore something inside and he bring out soldier blanket and put that on horse and then he bring out one package of coffee and I think mush and some papers. He stole them. Then we went away. Then after we came to the hills we threwed the papers away, and we bring home the coffee and that mush. And then after while, about in the afternoon, there was Stanley's wife there, and afterwards my mother came in and she asked us what did you do, did you steal these things my mother told him, and Stanley says no, we beg from sheep-herder. We went there in the evening, and the next morning they fixed up a dance house, and that evening they began to dance, the Cheyennes. It is when they begun to plow, and it in the morning they begun to plow first at Little Whirlwind's. They plowed Little Whirl-

wind's garden first and they begun to plow again White Wolf's and Shoulder Blade's.

"That evening when we came back Stanley hid the blanket in the brush, he didn't want to show it, and then we got our supper, we came out and went down to Sam O'Connell's, then he bought it. I was the interpreter for him. He sold it to Sam O'Connell's wife for fifty cents. Stanley told me that he had killed the sheep-herder, he told me that evening when he told me he was tired. He came back and told me that he was tired and I asked him where he come from and he told me he kill sheep-herder. I asked who did you go with and he said nobody, I was alone he says. I went to Logging Creek and come from there, he says, and then in the morning we went riding. We killed no cow. There was no cow killed like they talked about in the court room. I remember what I talked in the trial of Little Whirlwind and of Spotted Hawk, about killing the cow and about Spotted Hawk and Little Whirlwind being there. It wasn't true what I said then about that. Stanley told me to tell that story. He told me that when I first come down here. Porter and Thompson, they asked me about it this and I told this first, what I have said now. I told them that first, and Thompson tell me I must tell the truth. Stanley is telling the truth now. You are just four, that is, Stanley said that, and I didn't know what to tell him when he told me that, and then after while Porter just sent me in cage. Stanley was in the cage with me when I first went back to the cage. When we went in cage Stanley told me. Stanley went in first in the cage and then afterwards I followed him, and then he told me he didn't know what to say, just say what I am going to tell you, and then afterwards he begun to teach me, you must say that about Spotted Hawk and Little Whirlwind. If you don't tell it you will never get out from jail, he says. It was evening when Stanley said he killed the sheep-herder, then in the morning we took the ride. It was the evening before we went to sheep-herder's tent Stanley said he killed him. That day I saw Little Whirlwind and Spotted Hawk plowing Little Whirlwind's garden. That is right across the river from our tepee. They were plowing there all that day. I think the reason why he told me to slip up to the tent and see if there was a sheep-herder there and he would kill him was that he was going to kill another. I knew that he had killed one. He told me that and I believed him. When I went to the tent I knew that he had killed one herder. I don't know what he wanted to kill him for. I remember when they had the dance on Tongue River I was at the dance. When we took that ride then the next morning we had that dance. Stanley killed the sheep-herder the day before we went riding. My father has no gun.

While I was in jail Stanley talked to me nearly every evening, he says you must never forget. No one else spoke to me about it. Stanley told me Spotted Hawk and Little Whirlwind, he says those two fellows were going to jail and you will go out. If you don't tell this you will never go out, he says. If you don't tell it, he says, they will keep you long. He wanted Spotted Hawk and Little Whirlwind in jail because then he thought we would get out, I and Stanley. Badger told me once when he came in there first, Cowhide was there in the jail. It was alone at night. He came together with Thompson, the boy, and Porter and Stanley and Thompson and Porter went in the room and Badger told me you must tell, I think Stanley has taught you what you know and you must tell it that way.

"I am the same Shoulder Blade who testified in the trial of Spotted Hawk and Little Whirlwind, nobody pay me or make me tell this story now it is the truth. SHOULDER BLADE.

"Subscribed and sworn to before me, this 8th day of January, 1898.

"Geo. R. Milburn, Notary Public. (Notarial Seal.)

"Filed Jan. 10, 1898. A. T. McAusland, Clerk."

A new trial was denied; the attorneys for Spotted Hawk at once appealed his case to the Supreme Court where it is now pending.

The wife of the self-confessed murderer, Stanley, has recently made affidavit corroborating the statement of Shoulder Blade since the trial which shows conclusively that Stanley alone committed the murder; the affidavit reads as follows:

"STATE OF MONTANA, COUNTY OF CUSTER, ss.: Lame Woman, wife of Whirlwind, alias David Stanley, being first duly sworn according to law on oath says: There was a band of about twenty Cheyenne Indian men that were plowing at Little Whirlwind's farm in the spring-time of last year, that is the year 1897; my husband, Stanley, was at Calf's Lodge, which is located about a mile below the Mission on Tongue River. I was staying with him there. He had often said to me previous to this time that he was going to kill a white man. They had a dance outside of Little Whirlwind's camp; Stanley did not go to this dance, he sat around, there seemed to be something the matter with him, he did not act right; he had his dance clothes on, and he said to me, 'I have done what I have always said I would do, I have killed a white man.' When he said this I was scared, I asked him if he hid the body, and he said no. Before he told me that he had killed a white man he had brought to the tepee a seamless sack with two packages of coffee, a little sugar, some oatmeal, a

colored shirt, and reddish looking drawers. When he told me he had killed a white man, I asked him if any one was with him when he killed him and he said no. Stanley told me when he saw the white man who was a sheep-herder, the white man said to him, 'There is one of the dogs out looking for cattle,' and then the white man shot at Stanley, and the bullet passed over his head; he said he shot only once. Stanley told me that after the sheep-herder shot at him, he shot the sheep-herder in the breast with a gun and killed him; the sheep-herder's dog ran away a little distance, but he shot it and put it beside the dead body of the sheep-herder. Stanley wore the drawers for only one day; I asked him if he wasn't afraid to wear the drawers for fear some one might catch him with them on, he said he was, and took them off and threw them in Tongue River. The day after he told me about killing the white sheep-herder he got all ready with his dance clothes on and said to me, 'I will go to the dance anyway, I will be brave, I killed this man on purpose, I am not a woman, I am a man.' Several days after my husband, Stanley, told me of killing the white sheep-herder I was with him on the hill about a quarter of a mile east of the Agency buildings, on the Cheyenne Indian reservation, Montana; his father, named Badger, was with us, and some others were not far away. Badger spoke to Stanley, and took him away, some distance away, and talked with him; I heard what they were talking about; Badger said to Stanley, 'Son, was any one with you when you killed the white man?' Stanley answered him and said 'No.' Badger again spoke to him and said, 'If there was no one with you, we will have some one with you anyway, two or three more into this trouble.' Stanley called to those about him to go down from the hill and get a good meal and fill the children up, and said he would come down and meet the sheriffs. Badger told Stanley to go back into the hills and stay a couple of nights and give the people trouble anyway; he went to the hills and stayed out three nights, and I was with him during all this time. After three nights we went into Black Engle's camp, and Stanley was arrested there by Captain Stouch, the agent, who was with some of our Indians. I stayed with my husband two nights in the jail at the Agency, after that he was taken away by the soldiers to Miles City. I am a member of the Northern Cheyenne tribe of Indians belonging to Tongue River Agency, Montana, and have resided on this reservation for several years, and am a full-blood member thereof. Little Whirlwind's farm being located about twenty miles from the agency buildings on the said reservation.

Her
" LAME X WOMAN.
Mark

"Attest: D. W. Hogan.

"Subscribed and sworn to before me this 12th day of July, 1898, I having first sworn Jas. Roland, an interpreter of the Cheyenne Indian language, to interpret truly the same to deponent, who is a Cheyenne Indian not understanding the English language, and he having interpreted the same to deponent.

"George Walters, Notary Public.

[SEAL.] "Commission expires Feb. 2, 1901."

Mrs. Samuel O'Connell corroborates under oath the affidavit of Shoulder Blade that she purchased the soldier blanket of Stanley.

In view of the action of Judge Loud refusing in cross-examination of Stanley to permit further interrogatories designed to show promised leniency of sentence for testifying against Spotted Hawk, the statements made in Judge Loud's Court, July 9, 1898, before sentence was passed upon Stanley, will be of interest.

George Washington Myers, Attorney for Stanley, in pleading for light sentence, emphatically stated that he had promised Stanley and his friends that if he would testify as agreed upon against Spotted Hawk and Little Whirlwind he should not be sentenced for more than five years. Judge Loud then said:

"If the Court was left untrammelled, I would feel disposed to sentence this man to the penitentiary for the remainder of his natural life. I believe that by reason of the man being an Indian he has perhaps been led to make statements by such promises held out to him. I believe that the County Attorney has, through excessive zeal to secure a conviction, been led to make promises which he was not authorized to make."

Spotted Hawk and Little Whirlwind were entitled, under the law, to a fair and impartial trial; let us consider some points bearing upon this phase of the case:

The Hon. C. H. Loud, who sat in judgment, is 1st Vice-President of the National Bank of Miles City, Montana; a member of the firm of Lakin, Westfall & Company, General Merchandise, and stockholder of the Herford Cattle Company, and General Manager thereof, the Company's cattle grazing on lands adjacent to the Cheyenne Indian reservation.

Thomas Jefferson Porter, the Prosecuting Attorney, is associated with Jason W. Strevell in the practice of law; Mr.

Strevell owning an interest in cattle that feed on lands near the reservation of the Cheyennes.

The Court appointed George Washington Myers attorney for Stanley. Mr. Myers was also appointed counsel for Yellow Hair, held in custody for breaking jail. Spotted Hawk's attorneys (Messrs. Merrill & Farr) desired important evidence from Yellow Hair which was refused by Attorney Myers, it being evident that such testimony would be inimical to the interests of Stanley.

Application for a change of venue was made to Judge Loud, who denied the application and insisted upon the trial taking place in his own Court. It would appear to the ordinary lay mind that the well-known prejudice of the cattlemen before whom the cases would be tried, and the judge's own relations to the cattle interests, would have made him feel a natural hesitancy to sit in these cases, but he evidently was not subject to any such amiable weakness. The judgment of the Supreme Court of the State must not be anticipated, but if for any technical reason it should decide that it cannot legally reverse the judgment of the lower Court, it will be the duty of the law-abiding citizens of the State of Montana to see that the lives of these young men are not sacrificed to unreasoning prejudice and race enmity.

It is to be hoped that the Supreme Court will see its way to correcting what appears to outsiders a gross miscarriage of justice.

We reprint, for the information of our members, the following account of the Spotted Hawk Case which appeared in *City and State* (Philadelphia), treating the matter more in detail:

WHO IS THE MURDERER?

Good and fair-minded men are not the exclusive property of any one locality in the United States, and we believe that very few citizens of Montana would desire that an innocent man, whatever his race or complexion, should be put to death by process of law. They would still further wish to free themselves from the imputation of such wrong, as they came to know that full evidence was obtainable to prove who the real murderer was. They would also say: Why hang an innocent Indian when the

guilty Indian was within the grasp of the authorities? Let the good people of Montana, and especially of Miles City, seat themselves in the judicial chair of public opinion, the most honorable seat that an American can occupy, and be prepared to give us a fair hearing as we shall endeavor now to state our case, and in a later issue to prove it with what we regard a strong moral evidences that the young Northern Cheyenne Indian under sentence of death by a conviction in the Lower Court for the murder of the herder Hoover is not the real murderer, but that he is an industrious young fellow of good character and excellent record, who is entirely innocent of this crime and free from all connection with it. We shall further endeavor to show that the real murderer is Stanley, also a Northern Cheyenne, and that he should be hanged, not Spotted Hawk, for the cruel murder of the timid little cripple, Hoover. Just how it came about that a noose was almost twisted about the neck of Spotted Hawk, and that what we believe would have been the crime of judicial murder (one of the most loathsome of human offenses) was imminent, is not our concern at this moment, but it may be our concern later on; and when the time comes to consider that question, we may call on Mr. Thomas Jefferson Porter (then we hope his great namesake will not turn uneasily in his grave), County Attorney, and Sheriff Gibbs, to assist us in our endeavors to cast a clear ray of light where dark shadows now obscure the truth in this remarkable case. But before proceeding further in the discussion of a subject on which the issues of life and death hang, may we state in our own behalf (and so as to show that we who undertake to discuss a question of frontier justice are not an ignorant "tenderfoot") that we have had some years of personal experience with Indian affairs in North and South Dakota, in New Mexico, and Arizona; that we are well acquainted with western men as with Indians; and that we desire nothing more than to see exact justice meted out to offenders of both races according to the true American spirit?

Our appeal is addressed to the conscience and sense of justice of the honest people of Montana. We believe that Spotted Hawk is innocent of the crime charged against him, and that Stanley, an Indian of the same tribe (and he alone) is guilty. Stanley confessed to an Indian named Yellow Hair that he had

committed this crime about May 1, 1897. He then asked Yellow Hair to help him hide the body of the murdered man. He said: "My friend, I have killed a white man; I want to be killed." But Yellow Hair refused to help him hide the body of Hoover, telling him that he would have no share in the deed. The body was found twenty-three days after the murder. But if others had shared in the crime it would have been carried off and buried, as those who know Indians are well aware. Why did none of this evidence come out at the trial? It was easily attainable. Stanley came to Spotted Elk shortly after the murder and borrowed an Indian dancing stick, or wand, saying at the same time that he wished to mark his first "coup," or stroke, upon it. A "coup" signifies an enemy slain. These two confessions were made before the body was found, but later Stanley confessed to White Bull and Bull Thigh. These two Indians, on the 28th of May, came to Captain Stouch, U. S. A., Acting Indian Agent, and told him what they had learned. Captain Stouch then went before a notary public and gave sworn testimony of his knowledge in the matter. In consequence of this, Stanley was arrested and sent a prisoner to Miles City. White Shield, an Indian policeman, who was especially zealous in effecting the arrest of Stanley, is a brother of Spotted Hawk and Little Whirlwind. These men, without any other evidence than the false testimony of Stanley and Shoulder Blade, were arrested, imprisoned, tried, and convicted of murder—the former in the first degree, the latter in the second. Now, a word as to the motive which actuated Stanley. He was known to be of unsound mind, subject to a severe mental disorder which attacked him at intervals. He had formerly served in the army, but had been discharged for mental incapacity. Stanley's original confession was, "I did it alone, and no one helped me." He was despondent and wanted to die, and thought that if he killed a white man he might afterward die fighting for his life, with the attending and consequent glory so dear to the wild Indian—the man whose ideas have not emerged from the barbaric stage.

Such a motive seems absurd from our point of view, but it is perfectly comprehensible to those who understand the Indian character, and who are acquainted with Stanley's individual peculiarities. He had often talked of committing suicide, and

both he and his father have long been believed by whites connected with the reservation to be partly demented. Before Stanley surrendered to Captain Stouch he dressed himself for his death in Indian accoutrements, painted his face, and, with his rifle in hand, rode his pony in full view on the hills back of the agency, ready to make a dramatic ending of his career by selling his life as dearly as possible when charged by a force of cavalry. But Captain Stouch forbade these intended theatricals, and Stanley ultimately surrendered without a struggle. In the story subsequently told by Stanley and corroborated by the testimony of the boy, Shoulder Blade (which the latter, at a later date, declared was false), he flatly contradicted his first confession. He declared that he had ridden out on the prairie with Spotted Hawk and Little Whirlwind, where they had killed a cow, which they proceeded to dress, when a white man (Hoover) had espied them from a hill top. As he had threatened them with punishment, they pursued him and shot him through the arm. Then, when he cried out, they came close to him, and Spotted Hawk shot him through the body, killing him. The original story told by Stanley gave a similar account of the killing of Hoover, but without those details which were necessary to give probability to his subsequent tale that Spotted Hawk and Little Whirlwind were with him. Those who read Mr. Hamlin Garland's letter are informed of the pressure put upon Stanley to perjure himself, in order to draw other Indians into the meshes of the law. In the examination of Stanley, held by Sheriff Gibbs and the county attorney in the school-house on the reservation, Mr. Garland heard the former officer try first to threaten and browbeat the relatives of Stanley in order to make them implicate others besides him in the murder. This method failing, Mr. Garland quotes Attorney Porter as saying :

"You tell them that if they will give us the names of the other people who were implicated with Stanley we will try to make it easy for Stanley."

At the conclusion of his letter Mr. Garland says :

"Stanley had confessed his action at the Council and had proclaimed his guilt ; he said, 'there are no others,' and reasonable men would have thought the evidence conclusive. He killed the man, and might lawfully be hung, but the process of

bribing his poor relatives to implicate others, and presumably innocent parties, was exceedingly repulsive to my sense of justice, and so I reported to Captain Stouch and the officers of the Tenth Regiment. Attorney Porter seemed to me malevolently eager to implicate other Cheyennes in the crime."

Why, we ask in addition, was Shoulder Blade treated with such extraordinary consideration by the sheriff when he was taken to Miles City previous to his testimony which convicted Spotted Hawk? He was given candy, a new suit of clothes, and he frequently took his meals at the sheriff's house. Can any one escape the conviction that the story Shoulder Blade first told, and which was to have hanged Spotted Hawk, was taught him by some person with evil intent? Can Thomas Jefferson Porter and John Gibbs throw any light on this point? The testimony was obtainable of seven or eight Indian witnesses to prove that Spotted Hawk and Little Whirlwind were busy with spring plowing at the time and on the day when the murder was committed, and that they were so engaged for a number of days before and after. Spotted Hawk said calmly: "If you hang me, I die an innocent man." Can any reasonably person deny, after reading the foregoing facts, that he spoke the literal truth, and that in the attempt to take his life, a crime, loathsome in the sight of God and man, was attempted and nearly consummated? The honor and sense of justice of good men in Montana, as elsewhere, will demand reparation for this, a wrong none the less heinous that it was aimed to destroy the lives of two defenseless Indians.

The following letter was received by the Secretary of the Indian Rights Association relative to the case of Spotted Hawk:

"THE REGENT HOTEL, *Washington, D. C., March 21, 1898.*

"MR. HERBERT WELSH:

"*Dear Sir.*—In reply to your request concerning my account of the action of Sheriff Gibbs and Prosecuting Attorney Porter on the Cheyenne Reservation last summer, I reply I was visiting the Cheyenne Reservation shortly after the killing of the herder Hoover by 'Little Whirlwind's Voice,' or Stanley, as he is called by the whites. One day Captain Stouch told me that County Attorney Porter and Sheriff Gibbs were there attempt-

ing to secure evidence to implicate other Cheyennes in the murder, although Stanley had confessed to having killed the man, and had said that no one else was concerned with him. Captain Stouch asked me if it would interest me to go over to the school-room where this evidence was being taken. I told him it would.

"Accordingly, my brother and I crossed the yard and entered the room, in which were several Cheyennes, the Sheriff, and the County Attorney. The interpreter, whose name, I believe, was Roland, was sitting one side of the table, the attorney on the other, while the witnesses were brought in and seated at the end of the table. The general air of the room was that of a justice court, and after being there a few minutes it became evident to me that the Indians considered themselves bound to come forward and testify.

"The purpose of this investigation became evident. The two men began to work upon the father, mother, and wife of Stanley to induce them to implicate others. The Sheriff was disposed to threaten and bulldoze the witnesses, but at the suggestion of the interpreter the County Attorney took the more effective method of offering what seemed to me to be a bribe. He said in substance, 'You tell them that if they will give us the names of the other people who were implicated with Stanley we will make it easy for Stanley.' What form this took in the words of the interpreter I do not know, but the general effect of the proceedings there impressed me so strongly that, on returning to dinner in the tent of Captain Cooper and Lieutenant Livermore of the Tenth Cavalry, I said, 'I think it a very injudicious thing to allow those men to proceed without restraint in their investigation. They are exceedingly eager to connect other Cheyennes with this murder, and are offering inducements which may lead to perjury on the part of Stanley's relatives. I think Captain Stouch or his representative should be there and see that no improper use of power takes place.'

"Later I made the same statement to Captain Stouch, who replied, 'There has been a great deal of talk about the agent shielding criminals, and so I thought it well to give these men the widest opportunity to investigate.'

"I realized the force of his reply, but insisted that it was a very dangerous thing, and that ill would come of it. I could see no reason why these officers of the county should have the privilege of coming in upon the Reservation and by a sort of mock court manufacture evidence against people who were probably entirely disconnected with the crime which had been committed. Stanley had confessed; his action at the council had proclaimed his guilt; he had said, 'There are no others,' and reasonable men would have thought the evidence conclusive.

He killed the man and might lawfully be hung, but the process of bribing his poor relatives to implicate other and presumably innocent parties was exceedingly repulsive to my sense of justice, and I so reported to Captain Stouch and to the officers of the Tenth Regiment. Attorney Porter seemed to me malevolently eager to implicate other Cheyennes in the crime.

“ Hoping this covers the ground of your request, I remain,

“ Yours very truly,

“ HAMLIN GARLAND.”

